

(7) a statement that the permit does not authorize the transportation of the cargo on an interstate highway; and

(8) the location where the cargo was loaded.

(b) The City of Laredo shall report to the department all permits issued under this subchapter.

Sec. 623.386. *TIME OF MOVEMENT.* A permit issued under this subchapter must specify the time during which movement authorized by the permit is allowed.

Sec. 623.387. *SPEED LIMIT.* Movement authorized by a permit issued under this subchapter may not exceed the posted speed limit or 55 miles per hour, whichever is less. A violation of this provision constitutes a moving violation.

Sec. 623.388. *ENFORCEMENT.* The Department of Public Safety has authority to enforce this subchapter.

Sec. 623.389. *PAVEMENT MANAGEMENT PLAN.* The Texas Department of Transportation shall create a pavement management plan for the roadways described by Section 623.382(a).

Sec. 623.390. *RULES.* The commission may adopt rules necessary to implement this subchapter.

SECTION 2. The City of Laredo may adjust the maximum fee amount as provided by Section 623.384, Transportation Code, as added by this Act, beginning September 1, 2016.

SECTION 3. This Act takes effect September 1, 2015.

Passed by the House on May 5, 2015: Yeas 144, Nays 1, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2861 on May 27, 2015: Yeas 138, Nays 3, 2 present, not voting; passed by the Senate, with amendments, on May 25, 2015: Yeas 30, Nays 1.

Filed without signature June 18, 2015.

Effective September 1, 2015.

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## **FIRE PROTECTION SPRINKLER SYSTEMS IN CERTAIN RESIDENTIAL HIGH-RISE BUILDINGS IN CERTAIN COUNTIES; CREATING A CRIMINAL OFFENSE**

### **CHAPTER 871**

H.B. No. 3089

#### **AN ACT**

**relating to fire protection sprinkler systems in certain residential high-rise buildings in certain counties; creating a criminal offense.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 766, Health and Safety Code, is amended by designating Sections 766.001, 766.002, 766.0021, 766.0025, and 766.003 as Subchapter A and adding a subchapter heading to read as follows:

#### **SUBCHAPTER A. SMOKE DETECTORS AND FIRE SAFETY INFORMATION**

SECTION 2. Chapter 766, Health and Safety Code, is amended by adding Subchapter B to read as follows:

**SUBCHAPTER B. FIRE PROTECTION SPRINKLER SYSTEMS IN  
CERTAIN RESIDENTIAL HIGH-RISE BUILDINGS IN CERTAIN COUN-  
TIES**

**Sec. 766.051. DEFINITIONS.** *In this subchapter:*

(1) *"Fire protection sprinkler system" means an assembly of underground or overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to:*

*(A) extinguish, control, or contain fire; and*

*(B) provide protection from exposure to fire or the products of combustion.*

(2) *"Residential high-rise building" means a building used primarily for a residential purpose and that extends 75 feet or more from the ground.*

**Sec. 766.052. APPLICABILITY OF SUBCHAPTER.** *This subchapter applies only to a residential high-rise building:*

*(1) that is located in a county with a population of more than 1.5 million in which more than 75 percent of the population resides in a single municipality;*

*(2) in which at least 50 percent of the residents are elderly individuals, individuals with a disability, or individuals with a mobility impairment; and*

*(3) that is not designated as a historically or archaeologically significant site by the Texas Historical Commission or the governing body of the county or municipality in which the building is located.*

**Sec. 766.053. FIRE PROTECTION SPRINKLER SYSTEMS REQUIRED; STANDARD.** *(a) A residential high-rise building must be equipped with a complete fire protection sprinkler system that is in good working order and is in compliance with this section.*

*(b) The governing body of a municipality in which a residential high-rise building subject to this subchapter is located or, if the building is not located in a municipality, the commissioners court of the county in which the building is located shall adopt a standard for the installation of fire protection sprinkler systems in a residential high-rise building.*

*(c) The standard adopted must be in compliance with National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems. Until the governing body of the municipality or commissioners court of the county, as applicable, adopts a standard as required by this section, the standard is the Standard for the Installation of Sprinkler Systems of the National Fire Protection Association, as that standard existed on September 1, 2015.*

**Sec. 766.054. PHASE-IN COMPLIANCE FOR OWNERS OF CERTAIN RESIDENTIAL HIGH-RISE BUILDINGS.** *(a) This section applies only to an owner of a residential high-rise building built before September 1, 2015.*

*(b) Not later than September 1, 2018, an owner of a residential high-rise building shall provide notice of the owner's intent to comply with this subchapter to:*

*(1) if the building is located in a municipality, the appropriate code official of the municipality in which the building is located; or*

*(2) if the building is not located in a municipality, the county clerk of the county in which the building is located.*

*(c) Not later than September 1, 2021, the owner of a residential high-rise building shall install a water supply on all floors of the building in accordance with National Fire Protection Association 13: Standard for the Installation of Sprinkler Systems.*

*(d) Not later than September 1, 2024, the owner of a residential high-rise building shall install a fire protection sprinkler system in accordance with this subchapter on at least 50 percent of the floors of the building.*

*(e) Not later than September 1, 2027, the owner of a residential high-rise building*

shall install a fire protection sprinkler system in accordance with this subchapter on all floors of the building.

(f) Notwithstanding Subsections (b), (c), (d), and (e), an owner of multiple residential high-rise buildings built before September 1, 2015, is considered to have met the requirements of this section if a fire protection sprinkler system is installed on all floors of:

(1) at least 33 percent of the owner's residential high-rise buildings not later than September 1, 2021;

(2) at least 66 percent of the owner's residential high-rise buildings not later than September 1, 2024; and

(3) all of the owner's residential high-rise buildings not later than September 1, 2027.

(g) If a residential high-rise building is a condominium as defined by Section 81.002 or 82.003, Property Code, the apartment or unit owners of the condominium may comply with this subchapter by acting jointly through the council of owners or unit owners' association, as applicable, of the condominium.

(h) For purposes of Sections 766.055 and 766.056, a residential high-rise building is in compliance with this subchapter if the owner of the building has met the requirements of this section.

(i) This section expires September 1, 2028.

Sec. 766.055. **INJUNCTION.** (a) The attorney general, the county attorney of a county in which a residential high-rise building is located, or the district attorney of a county in which the building is located may bring an action in the name of the state for an injunction to enforce this subchapter against the owner or person in charge of a residential high-rise building not in compliance with this subchapter.

(b) The action must be brought in the district court of the county in which the residential high-rise building is located.

(c) The attorney general, county attorney of the county in which the residential high-rise building is located, or district attorney of the county in which the building is located, as applicable, shall give the owner or person in charge of the building notice of the time and place of a hearing for an action brought under this section not later than the 10th day before the date of the hearing.

(d) A district judge may issue a mandatory injunction against the owner or person in charge of a residential high-rise building not in compliance with this subchapter to enforce this subchapter. Violation of an injunction issued under this section constitutes contempt of court and is punishable in the manner provided for contempt.

Sec. 766.056. **CRIMINAL PENALTY.** (a) A person commits an offense if the person is the owner of a residential high-rise building that is not in compliance with this subchapter.

(b) A person commits an offense if the person serves as an agent for an owner who is not a resident of this state in the care, management, supervision, control, or rental of a residential high-rise building not in compliance with this subchapter.

(c) An offense under this section is punishable by a fine of not more than \$10,000.

**SECTION 3.** This Act takes effect September 1, 2015.

Passed by the House on May 8, 2015: Yeas 100, Nays 39, 1 present, not voting; passed by the Senate on May 27, 2015: Yeas 28, Nays 3.

Filed without signature June 18, 2015.

Effective September 1, 2015.